

AUG 07 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROGELIO SANCHEZ-JIMENEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 02-73598

Agency No. A74-383-469

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 22, 2008^{**}

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Rogelio Sanchez-Jimenez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order summarily affirming an immigration judge's ("IJ") decision denying his application for

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

suspension of deportation. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence the IJ's continuous physical presence determination, *Lopez-Alvarado v. Ashcroft*, 381 F.3d 847, 851 (9th Cir. 2004), and we deny the petition for review.

Substantial evidence supports the IJ's determination that Sanchez-Jimenez failed to establish seven years of continuous presence, because his brother's testimony regarding their entry date was unclear and he provided insufficient corroboration. *See Singh-Kaur v. INS*, 183 F.3d 1147, 1150 (9th Cir. 1999) (a contrary result is not compelled where there is "[t]he possibility of drawing two inconsistent conclusions from the evidence") (internal quotation marks and citation omitted).

We do not address Sanchez-Jimenez's contentions regarding extreme hardship because the IJ's continuous physical presence determination is dispositive. *See Kalaw v. INS*, 133 F.3d 1147, 1150-51 (9th Cir. 1997) (to qualify for suspension of deportation, an applicant must show seven years continuous physical presence, good moral character and extreme hardship).

Sanchez-Jimenez's challenge to the BIA's streamlining procedure is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 852 (9th Cir. 2003), and we are unpersuaded that the BIA's decision to streamline his case was improper.

PETITION FOR REVIEW DENIED.